

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 316

AN ACT concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-1-9-10, AS AMENDED BY P.L.1-1999, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. (a) This section applies to a person described in subsection (b) or (c).

(b) This section applies to a person convicted of a felony under IC 35-42 (offenses against the person), IC 35-43-2-1 (burglary), or IC 35-42-4-6 (child solicitation):

(1) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; and

(2) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(c) This section applies to a person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1, if the felony had been in effect:

(1) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; and

(2) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(d) A person described in subsection (b) or (c) shall provide a DNA sample to the:

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- (1) department of correction or the designee of the department of correction, if the offender is committed to the department of correction; or**
- (2) the county sheriff or the designee of the county sheriff, if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation.**

A convicted person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

SECTION 2. IC 10-1-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. **(a)** The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment under section 10(d)(2) of this chapter. The superintendent shall provide each county sheriff with the guidelines issued under this subsection. A county sheriff shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(d)(2) of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.**
- (2) The date funding becomes available by grant through the criminal justice institute.**

If the superintendent delays implementation of section 10(d)(2) of this chapter or terminates a delay under section 10(d)(2) of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

(d) In developing guidelines under subsection (b), the superintendent shall consult with an advisory committee consisting of the following persons:

- (1) A county sheriff appointed by the governor or the designee of the appointed county sheriff.**
- (2) The executive director of the prosecuting attorneys council of Indiana established by IC 33-14-8-1 or the designee of the executive director.**

This subsection expires July 1, 2003.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 10-1-9 apply throughout this SECTION.**

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(b) The superintendent may develop and issue guidelines under IC 10-1-9-11, as amended by this act, at any time after the effective date of this SECTION.

(c) Not later than September 1, 2001, the superintendent shall designate at least three (3) counties to implement IC 10-1-9-10(d)(2), as amended by this act, for offenders convicted after August 31, 2001. The superintendent shall evaluate the manner in which IC 10-1-9-10(d)(2), as amended by this act, is implemented. Not later than December 31, 2001, the superintendent shall provide the executive director of the legislative services agency with a written report that includes at least the following:

(1) A statement indicating which counties have implemented IC 10-1-9-10(d)(2), as amended by this act.

(2) A description of the process used to collect and ship DNA samples from the counties in which IC 10-1-9-10(d)(2), as amended by this act, has been implemented.

(3) An analysis of any problems encountered in the implementation of IC 10-1-9-10(d)(2), as amended by this act.

(4) An analysis of any problems that may be encountered in implementation of IC 10-1-9-10(d)(2), as amended by this act, on a statewide basis.

(5) Specific recommendations for legislative action needed to more efficiently and effectively implement IC 10-1-9-10(d)(2), as amended by this act.

(d) This SECTION expires July 1, 2002.

SECTION 4. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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